

U.S. COURT  
OF MASS.

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS

2005 NOV 10 P 5:44

BALBIR SINGH,

Plaintiff,

v.

MGI PHARMA, INC., and  
MGI PHARMA BIOLOGICS, f/k/a,  
ZYCOS, INC.,

Defendants.

FILED  
CLERK'S OFFICE  
Civil Action No. 05 1167 1 GAO

**DEFENDANT MGI PHARMA BIOLOGICS, INC.'S INITIAL DISCLOSURES  
PURSUANT TO FED.R.CIV.P. 26(a)(1) AND LOCAL RULE 26.2(A)**

Defendant MGI Pharma Biologics, Inc. ("Pharma Biologics"), by and through its attorneys, hereby provides its initial disclosures pursuant to Rule 26(a)(1) of the Federal Rules of Civil Procedure and Local Rule 26(A).

**A. Individuals Likely to Have Discoverable Information (Rule 26(a)(1)(A))**

The following individuals may have knowledge of discoverable information that Pharma Biologics may use to support its defenses. This information reflects information reasonably available to Pharma Biologics at this time. Pharma Biologics reserves the right to supplement this information if additional or different information is obtained.

1. Mary Lynne Hedley, Senior Vice President, MGI Pharma Biologics, Inc., 44 Hartwell Avenue, Lexington, Massachusetts 02421.

Ms. Hedley has knowledge regarding Plaintiff's business relationship with Zycos, Inc., the sale of Zycos, Inc. to MGI Pharma, Inc. and/or other allegations contained in Plaintiff's Complaint. Ms. Hedley can be contacted through defendant Pharma Biologics' counsel.

2. Dr. Lee M. Nadler, Dana-Farber Cancer Institute, 44 Binney Street, Boston, Massachusetts 02115.

Dr. Nadler may have knowledge regarding the sale of Zycos, Inc. to MGI Pharma, Inc.

3. Kenneth Bate, Director, Cubist Pharmaceuticals, Inc., 65 Hayden Avenue, Lexington, Massachusetts 02421.

Mr. Bate may have knowledge regarding Plaintiff's business relationship with Zycos, Inc., the sale of Zycos, Inc. to MGI Pharma, Inc. and/or other allegations contained in Plaintiff's Complaint.

4. Ulrich Geilinger. Pharma Biologics does have any contact information for Mr. Geilinger at this time.

Mr. Geilinger may have knowledge regarding Plaintiff's business relationship with Zycos, Inc., the sale of Zycos, Inc. to MGI Pharma, Inc. and/or other allegations contained in Plaintiff's Complaint.

5. J. Tomas Hexner. Pharma Biologics does have any contact information for Mr. Hexner at this time.

Mr. Hexner may have knowledge regarding Plaintiff's business relationship with Zycos, Inc., the sale of Zycos, Inc. to MGI Pharma, Inc. and/or other allegations contained in Plaintiff's Complaint.

6. Mark A. Philip, President, Stryker Biotech, 35 South Street, Hopkinton, Massachusetts 01748.

Mr. Philip may have knowledge regarding Plaintiff's business relationship with Zycos, Inc., the sale of Zycos, Inc. to MGI Pharma, Inc. and/or other allegations contained in Plaintiff's Complaint.

7. André Lamotte, Chairman of the Board, Arpida Ltd, Dammstrasse 36, CH-4142 Münchenstein, Switzerland.

Mr. Lamotte may have knowledge regarding Plaintiff's business relationship with Zycos, Inc., the sale of Zycos, Inc. to MGI Pharma, Inc. and/or other allegations contained in Plaintiff's Complaint.

8. Roman Chicz, Senior Vice President, Research & Clinical Development, Antigenics, Inc., 3 Forbes Road, Lexington, Massachusetts 02421.

Mr. Chicz may have knowledge regarding Plaintiff's business relationship with Zycos, Inc., the sale of Zycos, Inc. to MGI Pharma, Inc. and/or other allegations contained in Plaintiff's Complaint.

9. Robert Urban, 51 Follen Road, Lexington, Massachusetts 02421.

Mr. Urban may have knowledge regarding Plaintiff's business relationship with Zycos, Inc., the sale of Zycos, Inc. to MGI Pharma, Inc. and/or other allegations contained in Plaintiff's Complaint.

10. Paul Lavallee. Pharma Biologics does have any contact information for Mr. Lavallee at this time.

Mr. Lavallee may have knowledge regarding Plaintiff's business relationship with Zycos, Inc., the sale of Zycos, Inc. to MGI Pharma, Inc. and/or other allegations contained in Plaintiff's Complaint.

11. James Jacoby. Pharma Biologics does have any contact information for Mr. Jacoby at this time.

Mr. Jacoby may have knowledge regarding Plaintiff's business relationship with Zycos, Inc., the sale of Zycos, Inc. to MGI Pharma, Inc. and/or other allegations contained in Plaintiff's Complaint.

12. Daniel Green, HBM Partners AG, Löwenstrasse 29, CH-8001, Zürich, Switzerland.

Mr. Green may have knowledge regarding Plaintiff's business relationship with Zycos, Inc., the sale of Zycos, Inc. to MGI Pharma, Inc. and/or other allegations contained in Plaintiff's Complaint. Mr. Green should be contacted through defendant Pharma Biologics' counsel.

13. Arda Minocherhomjee, Managing Director, William Blair Capital Partners VI, c/o Chicago Growth Partners, 303 West Madison, Chicago, Illinois 60606.

Mr. Minocherhomjee may have knowledge regarding Plaintiff's business relationship with Zycos, Inc., the sale of Zycos, Inc. to MGI Pharma, Inc. and/or other allegations contained in Plaintiff's Complaint. Mr. Minocherhomjee should be contacted through defendant Pharma Biologics' counsel.

14. Mike Fisch. Pharma Biologics does have any contact information for Mr. Fisch at this time.

Mr. Fisch may have knowledge regarding Plaintiff's business relationship with Zycos, Inc., the sale of Zycos, Inc. to MGI Pharma, Inc. and/or other allegations contained in Plaintiff's Complaint.

15. Carl Spataro, Collegiate Funding Services, 10304 Spotsylvania Avenue, Suite 100, Fredericksburg, Virginia 22408.

Mr. Spataro may have knowledge regarding Plaintiff's business relationship with Zycos, Inc., the sale of Zycos, Inc. to MGI Pharma, Inc. and/or other allegations contained in Plaintiff's Complaint.

16. Chris Dwyer, SG Cowen & Co., LLC, 1221 Avenue of America, New York, New York 10020.

Mr. Dwyer may have knowledge regarding the sale of Zycos, Inc. to MGI Pharma, Inc. and/or other allegations contained in Plaintiff's Complaint.

17. Annette Grimaldi, Managing Director, Head of Life Sciences Investment Banking, Jefferies & Company, Inc., 520 Madison Avenue, New York, New York 10022

Ms. Grimaldi may have knowledge regarding the sale of Zycos, Inc. to MGI Pharma, Inc. and/or other allegations contained in Plaintiff's Complaint.

18. Plaintiff Balbir Singh, 1 rue des Castors, 68110, Illzach, France.

Mr. Singh presumably has knowledge regarding his allegations.

**B. Categories and Locations of Documents, Data Compilations, and Tangible Things that May Be Used to Support Claims or Defenses (Rule 26(a)(1)(B))**

Pharma Biologics identifies the following categories of documents, data compilations, and tangible things that may be used to support Pharma Biologics' defenses. These categories reflect information reasonably available to Pharma Biologics at this time. Pharma Biologics reserves the right to supplement these disclosures if additional information or different information is obtained. Some or all of the documents include confidential as proprietary information and may necessitate the entry of an appropriate protective order prior to their production. Pharma Biologics also reserves its privilege and work product objections.

1. Communications reflecting Plaintiff's business relationship with Zycos, Inc.
2. Communications reflecting Zycos, Inc.'s pursuit of a partner or acquirer.
3. Communications reflecting the negotiations between Zycos and Plaintiff.
4. Documents reflecting, and including, the Professional Services Agreement between Zycos, Inc. and Plaintiff, including prior drafts, correspondence, etc.
5. Communications reflecting the development of the relationship between MGI Pharma, Inc. and Zycos, Inc., leading to the sale transaction between the two.
6. Documents reflecting payments made to Plaintiff pursuant to the Professional Services Agreement.

**C. Computation of Damages Claimed by Disclosing Party (Rule 26(a)(1)(C))**

Pharma Biologics has not made a claim for damages against the Plaintiff at this time.

**D. Insurance Agreements Covering Liability (Rule 26(a)(1)(D))**

This section is not applicable to Pharma Biologics.

Respectfully submitted,

MGI Pharma Biologics, Inc.

By:   
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*Counsel for Defendant  
MGI Pharma Biologics, Inc.*

Dated: November 10, 2005